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DOROTHY J. VRANISH

Remarks:

In re application of	:
Louis F. Aprigliano et al.	:
Serial No. 09/656,017	: Group Art Unit: 1722
Filed: Sept. 7, 2000	: Examiner: K. Lin
For: METHOD OF PRODUCING CORROSION RESISTANT METAL ALLOYS WITH IMPROVED STRENGTH AND DUCTILITY	: CONFIRMATION NO. 2288
	: APPEAL NO. 2004-0769

Docket Notice Acknowledgement with enclosures.

Navy Case No. 82,627
Appl. No. 09/656,017
Appeal No. 2004-0769
Reply to the Docketing Notice

BOARD OF PATENT
APPEALS &
INTERFERENCES

FEB 20 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

In re application of :
Louis F. Aprigliano et al. :
Serial No. 09/656,017 : Group Art Unit: 1722
Filed: Sept. 7, 2000 : Examiner: K. Lin
For: METHOD OF PRODUCING CORROSION : CONFIRMATION NO. 2288
RESISTANT METAL ALLOYS WITH :
IMPROVED STRENGTH AND DUCTILITY : APPEAL NO. 2004-0769

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DOCKET NOTICE ACKNOWLEDGEMENT

Sir:

(A) Applicants in the above identified application under appeal, acknowledge reception of the Docket Notice dated Feb. 13, 2004 from the Board of Patent Appeals and Interferences.

(B) This paper is submitted because the Docket Notice (1) incorrectly indicates filing of the Reply Brief, on March 19, 2003, (2) fails to indicate mailing of the Examiner's Office Communication (paper No. 29) on March 19, 2003 concerning the Reply Brief and (3) fails to acknowledge reception of Applicants' Response to the Examiner's Communication concerning the Final Office action and the Reply Brief. In view of the foregoing referred to omissions [(1), (2) and (3)] in the Docket Notice, submitted herewith are copies of:

(1) the Feb. 4, 2003 dated filing Receipt with respect to the Reply Brief;

(2) the Examiner's Office Communication on the Reply Brief, confirming its filing on

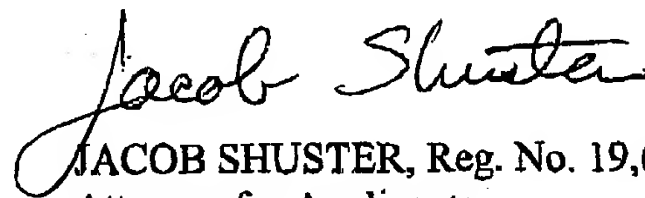
Feb. 4, 2003; and

Navy Case No. 82,627
Appl. No. 09/656,017
Appeal No. 2004-0769
Reply to the Docketing Notice

(3) the Response to Examiner's Communication, filed March 20, 2003 as indicated in its accompanying filing Receipt.

(C) In view of the foregoing referred to aspects of the Docket Notice, the Board is respectfully urged to consider all of the documents of record including those enclosed herewith when formulating the forthcoming decision on appeal.

Respectfully submitted,



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NAVY CASE NO. 82,627

SERIAL NO. 09/656,017

APPLICANT Louis F. Aprigliano et al.

Receipt of the following application papers is evidenced hereon by official stamp of the
U. S. Patent and Trademark Office:

Response to Examiner's Communication



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Navy Case No. 82,627

FEB 20 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Louis F. Aprigliano et al.

Serial No. 09/656,017

Filed: Sept. 7, 2000

For: METHOD OF PRODUCING CORROSION
RESISTANT METAL ALLOYS WITH
IMPROVED STRENGTH AND DUCTILITY

: Group Art Unit: 1722

: Examiner: K. Lin

: CONFIRMATION NO. 2288

RESPONSE TO EXAMINER'S COMMUNICATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

Following the filing of a Reply Brief on Feb. 4, 2003, an Examiner's Communication dated March 19, 2003 was received, indicating: "The reply brief--had been considered by the Examiner--the claimed invention is deemed to be unpatentable--for the same reasons as set forth in the final rejection--".

The Examiner's latter quoted statement involves a factually erroneous basis for supporting that rejection of the claimed invention subject to appeal, as hereinafter pointed out.

1. It must be assumed that the claimed invention subject to this appeal is covered by and/or defined by claims 5, 6 and 9 as amended under Rule 116 after the Final Office action dated July 30, 2002, as indicated in the Examiner's Advisory Action dated Sept. 27, 2002.

2. The reasons set forth in the Final Office action in support of the rejection of claims 5, 6 and 9 omit any reference to certain critical claim limitations involving: (a) increase in yield strength, (b) improvement in ductility, and (c) percentage of corrosion-resisting material in the ductile alloy as pointed out in the Reply Brief.

3. The latter referred to omission of rejection supporting reasons in the Final Office action to support the final rejection of claims 5, 6 and 9 under appeal is further evidenced in the Examiner's Advisory Action dated Sept. 27, 2002 wherein it is conjectured for the first time after the Final Office action that in regard to the prior art references relied on, "--strength of the cast alloy--modified process--also increase as claimed alloy does--".

In view of the foregoing referred to record in this application, the issues to be considered in this appeal should be limited as pointed out in the Reply Brief, to the exclusion of the Examiner's conjectural statements submitted after the Final Office action, since applicants' request of record for reopening of prosecution was denied.

Respectfully submitted,



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